

March 9, 1984

LB 692
LR 252, 282

to help the consumer so I would appreciate your support for this amendment. Thank you.

SPEAKER NICHOL: The question is the adoption of the Kilgarin amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 5 ayes, 14 nays, Mr. President.

SPEAKER NICHOL: The motion fails.

CLERK: Mr. President, Senator Kilgarin would move to amend the bill.

SPEAKER NICHOL: Senator Kilgarin. Senator Kilgarin, before you do, while the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 282 and 252. Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. President. This amendment deals, this is number two, this deals with the opt out provision. The Medical Liability Act says that people who do not want to be covered by the act can choose not to be covered by the act so they have the right to opt out of this act. Now there is only one problem with that. They have to affirmatively choose to opt out of this act every two years or else they are automatically covered by the act. In other words you have to go down and sign an affidavit and fill out a statement every two years to say that you are covered by this act. There are not whole lots of people who choose to opt out of the act primarily because they are probably not even aware the act exists although I am hoping they will be after this bill. What this does is it says they don't have to go down every two years and file to opt out of the act. What it says is that they only have to file once, that covers them, they are opted out of the act unless they choose to opt back into the act. Again, this does not deal with the cap. It does not hurt the professions that we all seem so concerned about today. It simply deals with the person who decides to opt out of the act. It just says once you file to opt out, you don't have to continually go back and file to opt out again and again. I would appreciate